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Patent
108607/03CIP

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Attorney Docket No.: 108607/03CIP
First Named Inventor: Thomas J. Campanaro et al.
Prior Application Information:
Serial No. 10/376,044
Examiner: TBA
Art Unit: TBA

Mail Stop: Patent Application
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

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FILING UNDER 37 CFR § 1.53(b)

This is a request for filing for a

☐ continuation ☐ divisional ☒ continuation-in-part (CIP)

application under 37 CFR § 1.53(b) of pending prior application Serial No. 10/376,044, filed on February 26, 2003, and claims priority to U.S. Provisional Applications Nos. 60/469,283, filed on May 9, 2003, and U.S. Application No. 60/482,199, filed on June 23, 2003, by:

Thomas J. Campanaro, Joy L. Campanaro, Larry Westfall
and Douglas Dale McMurray entitled:

EXERCISE DEVICE AND METHOD OF USING SAME

The entire disclosure of the pending prior application Serial No. 10/376,044 is considered a part of the disclosure of the accompanying continuation-in-part application and is hereby incorporated by reference.

CERTIFICATE OF MAILING
(37 C.F.R. §1.10)

I hereby certify that this paper (along with any referred to as being attached or enclosed) is being deposited with the United States Postal Service on the date shown below with sufficient postage as 'Express Mail Post Office To Addressee' in an envelope addressed to Mail Stop: Patent Application, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

EL 361 351 882 US
Express Mail Label No.

February 24, 2004
Date of Deposit

Karen M. Cruz
Name of Person Mailing Paper

KmCg
Signature of Person Mailing Paper

108607.000003/452363.01

I. APPLICATION ELEMENTS ENCLOSED

325 Page(s) of Written Description
3 Page(s) of Claims
1 Page(s) of Abstract
21 Sheet(s) of Drawings ☒ formal ☐ informal
 _____ Page(s) of ☐ Declaration or ☐ Declaration and Power of Attorney
 ☐ Copy from prior application [37 CFR §1.63(d)]
 ☐ Newly executed
 _____ Other:

- ☐ Assignment papers (cover sheet and documents(s))
☒ An Information Disclosure Statement, PTO 1449, ☐ with copies of cited items.
☐ Request and Certification under 35 U.S.C. § 122(b)(2)(B)(i). Applicant must attach form PTO/SB/35
☐ Preliminary Amendment

II. FEE CALCULATION

- ☒ Applicant claims small entity status under 37 CFR 1.27.

BASIC FILING FEE:						\$770.00
Total Claims	17	-	20	=	0	x \$18.00 \$0.00
Independent Claims	1	-	3	=	0	x \$84.00 \$0.00
Multiple Dependent Claims	\$280.00	(if applicable)			<input type="checkbox"/>	\$0.00
TOTAL OF ABOVE CALCULATIONS						\$770.00
Reduction by ½ for Filing by Small Entity.						<input checked="" type="checkbox"/> \$385.00
Misc. Filing Fees (Recordation of Assignment)						\$0.00
Petition to Make Special						\$0.00
TOTAL FEES DUE HERewith						\$385.00

III. PRIORITY - 35 USC § 119

- ☒ Priority of applications Serial No. 60/469,283, filed on May 9, 2003, and U.S. Application No. 60/482,199, filed on June 23, 2003, in U.S. is claimed under 35 USC § 119
☐ The certified copy has been filed in prior U.S. application Serial No. _____ on _____.
☐ The certified copy will follow.

IV. AMENDMENTS

- ☐ Cancel in this application original Claims _____ before calculating the filing fee. (At least one original independent claim must be retained for filing purposes if no new claims are added in a preliminary amendment.)
- ☐ A Preliminary Amendment is enclosed. (Claims added by Amendment must be numbered consecutively beginning with the number next following the highest numbered original claim in the prior application.)

V. RELATE BACK - 35 USC § 120

- ☒ Relate back information included in preliminary amendment or specification.
- ☐ Please amend the specification as follows:
- ☒ With respect to the prior co-pending U.S. application from which this application claims benefit under 35 USC § 120, the inventor(s) in this application is (are) [37 CFR 1.53(b)(1)]:
 - ☒ the same.
 - ☐ less than those named in the prior application and it is requested that the following inventor(s) identified above for the prior application be deleted [see 37 CFR §§1.33(b) AND 1.63(d)(2)]:

VI. METHOD OF PAYMENT OF FEES

- ☒ Attached is a check in the amount of \$385.00.
- ☐ Charge Procopio, Cory, Hargreaves & Savitch's Deposit Account No. 50-2075 in the amount of \$_____.
- ☐ Not attached. No filing fee is submitted. [This and the surcharge required by 37 CFR § 1.16(e) can be paid subsequently.]

VII. AUTHORIZATION TO CHARGE ADDITIONAL FEES

The Commissioner is hereby authorized to credit Procopio, Cory, Hargreaves & Savitch's Deposit Account No. 50-2075 for any over payment of fees and to charge the following additional fees by this paper and during the entire pendency of this application to Deposit Account No. 50-2075:

- ☒ 37 CFR § 1.16 (Filing fees and excess claims fees)
- ☒ 37 CFR § 1.17 (Application processing fees)
- ☐ 37 CFR § 1.21 (Assignment recordation fees)

VIII. POWER OF ATTORNEY & CORRESPONDENCE ADDRESS

- ☐ The power appears in the original papers in the prior application.
- ☐ The power does not appear in the original papers, but was filed on _____ in prior application Serial No. _____.
- ☐ A new power has been executed and is attached.

Please send all correspondence to Customer Number 27189:

27189

PROCOPIO, CORY, HARGREAVES
& SAVITCH
530 B Street, Suite 2100
San Diego, CA 92101-4469
(619) 238-1900

Please direct all inquiries to Stephen C. Beuerle, at the above Customer Number.

IX. MAINTENANCE OF CO-PENDENCY OF PRIOR APPLICATION


- ☐ A petition, fee and response has been filed to extend the term in the pending **prior** application until _____. A copy of the petition for extension of time in the **prior** application is attached.
- ☐ A conditional petition for extension of time is being filed in the pending **prior** application. A copy of the conditional petition for extension of time in the **prior** application is attached.

X. ABANDONMENT OF PRIOR APPLICATION

- ☐ Please abandon the prior application at a time while the prior application is pending or when the petition for extension of time or to revive in that application is granted and when this application is granted a filing date so as to make this application co-pending with said prior application. At the same time, please add the words "now abandoned" to the amendment of the specification set forth in Item V above.

Respectfully submitted,
PROCOPIO, CORY HARGREAVES
& SAVITCH LLP

Dated: February 24, 2004 _____

By: 
Stephen C. Beuerle
Reg. No. 38,380